

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA

v.

BILLY LEE WELLS, JR.

Defendant

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: CASE NO. 5:23-CR-8 (CAR)
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PRELIMINARY ORDER OF FORFEITURE/MONEY JUDGMENT

WHEREAS, on January 23, 2024, Defendant Billy Lee Wells, Jr. (hereinafter “Wells” or “Defendant”), pled guilty to Count One of the Indictment charging him with Conspiracy to Defraud a Financial Institution, in violation of Title 18, United States Code, Section 1349, in connection with Title 18, United States Code, Section 1344(2);

AND WHEREAS, the Indictment contained a Forfeiture Notice, pursuant to which the United States seeks forfeiture under Title 18, United States Code, Section 982(a)(2), of any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offense(s), including, but not limited to a personal money judgment in an amount to be determined;

AND WHEREAS, the Defendant pled guilty to a written Plea Agreement to Count One of the Indictment, charging that Wells, did knowingly combine, conspire, confederate, and agree with his Co-Defendant to commit an offense against the United States, that is, to knowingly and willfully devise, execute, and attempt to execute a

scheme and artifice to defraud and to obtain money, funds, credits, assets, and securities owned by and under the custody and control of State Bank, later known as Cadence Bank, a financial institution as defined under Title 18, United States Code, Section 20, by means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1349, in connection with Title 18, United States Code, Section 1344(2);

AND WHEREAS, the United States has filed a Motion and Memorandum for the Issuance of a Preliminary Order of Forfeiture/Money Judgment against Wells in the amount of three million, four hundred four thousand, seven hundred seventy-two dollars, and twenty-two cents (\$3,404,772.22), representing the proceeds of the fraud scheme, obtained directly or indirectly, as a result of such offense(s); and

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that “no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment”;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Pursuant to 18 U.S.C. § 982(a)(2)(A), 18 U.S.C. § 3554, and Rule 32.2(b), Federal Rules of Criminal Procedure, the Court finds by a preponderance of the evidence that the United States has demonstrated the required nexus between the personal money judgment amount and the offense(s) of conviction, and the Defendant shall forfeit to the

United States the sum of three million, four hundred four thousand, seven hundred seventy-two dollars, and twenty-two cents (\$3,404,772.22).

2. The United States District Court, Middle District of Georgia, shall retain jurisdiction in the case for the purpose of enforcing this Order of Forfeiture/Money Judgment.

3. Pursuant to FED. R. CRIM. P. 32.2(b)(4), this Order of Forfeiture/Money Judgment shall become final as to the Defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

4. As issued this date, this Order of Forfeiture/Money Judgment consists of a judgment for a sum of money. The United States may, at any time, move pursuant to FED. R. CRIM. P. 32.2(e), to amend this Order of Forfeiture/Money Judgment if the Government locates specific assets traceable to the subject property or other assets subject to forfeiture as substitute assets pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1).

SO ORDERED, this 3rd day of June, 2024.

s/ C. Ashley Royal
C. ASHLEY ROYAL, SENIOR JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

PREPARED BY:

PETER D. LEARY
UNITED STATES ATTORNEY

/s/ Michael P. Morrill

MICHAEL PATRICK MORRILL
Assistant United States Attorney
Georgia Bar Number: 545410